



John R. Kasich, Governor  
Mary Taylor, Lt. Governor  
Craig W. Butler, Director

February 8, 2017

**CERTIFIED MAIL**

Mr. Josh Lotz, General Manager  
Innocor Foam Technologies  
200 East North Street  
Spencerville, Ohio 45887

**Re: Innocor Foam Technologies  
Notice of Violation (NOV)  
Air Permit  
Allen County  
0302000288**

**Division of Air Pollution Control  
Subject: Notice of Violation**

Dear Mr. Lotz:

As you are aware, Ohio EPA conducted a compliance inspection of Innocor Foam Technologies (Innocor), in Spencerville, Ohio on January 17, 2017. The goal of my inspection was to determine your facility's compliance with Ohio's Division of Air Pollution Control's (DAPC) laws as found in Chapter 3704.05 of the Ohio Revised Code (ORC) and Chapter 3745 of the Ohio Administrative Code (OAC) and the terms and conditions of Innocor's federally enforceable permit to install and operate #P0110055 issued on December 3, 2012. My inspection included a review of company operations and written documentation associated with facility operations. In addition, further information was requested from the facility to determine the compliance status of an emissions unit located onsite. The findings below address the information received post-inspection.

**Findings**

Ohio EPA observed the following violations of Ohio's ORC 3704.05, OAC Chapter 3745 and Innocor's permit terms and conditions. In order to bring your facility into compliance, we recommend promptly addressing these violations within 30 days of your receipt of this letter.

**1. T008:**

ORC chapter 3704.05(C): *"No person who is the holder of a permit issued under division (F) or (G) of section 3704.03 of the Revised Code shall violate any of its terms or conditions."*

OAC Rule 3745-31-02(A)(1)(b): *"...no person shall cause, permit or allow the... installation, or modification and subsequent operation of any new source... without first obtaining a PTIO from the director."*

- (a) Innocor is permitted to store diphenylmethane diisocyanate (MDI) in storage tank T008 and as observed during records review at the facility, is currently storing toluene diisocyanate (TDI). After reviewing calculations submitted by the facility, potential emissions have increased due to the change in materials causing the emissions unit to be considered a "modified" unit. As such, Innocor is in violation for changing the raw materials in the storage tank prior to applying for and receiving a permit modification.

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- (b) Requested Action: Within 30 days of receipt of this letter, Innocor shall submit a compliance plan to Ohio EPA which will address how the facility will address the violation above.

### **Conclusion**

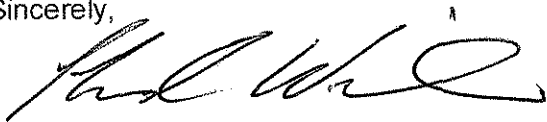
The Ohio EPA requests that Innocor promptly undertake the necessary measures to return to compliance with Ohio's environmental laws and regulations. Please provide to Ohio EPA, the documentation listed above by March 1, 2017. If you have already resolved the violations listed above, thank you, and please provide documentation supporting compliance. If you have not yet addressed the violations, please submit a compliance plan on how the company plans to correct the violations cited above. Documentation of steps taken to return to compliance includes written correspondence, updated policies, and photographs, as appropriate, and may be submitted via the postal service or electronically to [Chad.Winebrenner@epa.ohio.gov](mailto:Chad.Winebrenner@epa.ohio.gov).

Failure to comply with Chapter 3704 of the Ohio Revised Code and rules promulgated thereunder may result in an administrative or civil penalty. If circumstances delay resolution of violations, Innocor is requested to submit written correspondence describing the steps that will be taken by date certain to attain compliance.

Please note that the submission of any requested information to respond to this letter does not constitute waiver of the Ohio EPA's authority to seek administrative or civil penalties as provided in Section 3704.06 of the Ohio Revised Code.

Should you have any questions, please contact me at (419) 373-3121 or [Chad.Winebrenner@epa.ohio.gov](mailto:Chad.Winebrenner@epa.ohio.gov).

Sincerely,



Chad Winebrenner  
Environmental Specialist  
Division of Air Pollution Control

/mrf

Certified Mail Receipt Number: 7015 3010 0001 1938 1327

ec: Jim Kavalec, DAPC-CO  
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